

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 15, 2009 (hereinafter Office Action) have been considered. Claims 1-48 and 80-100 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

The Office Action rejected claims 1-48 and 80-100 on the ground of nonstatutory obviousness-type double patenting (ODP) as being unpatentable over claims 1-75 of U.S. Patent 7,396,333 (Stahmann et al.) in view of U.S. Patent 6,928,324 (Park et al.). The terminal disclaimer filed on June 12, 2009 was rejected as not establishing the authority of the person signing (Clara Davis).

In response, Applicants have, on August 11, 2009, submitted a statement under 37 C.F.R. § 3.73(b) which includes a paper signed by the Assistant Secretary of Cardiac Pacemakers, Inc. (the assignee) authorizing, among other people, Clara Davis to represent the assignee before the USPTO. Applicants have also submitted, on August 14, 2009, another terminal disclaimer over the '333 Stahmann patent signed by the same Clara Davis. Applicants therefore respectfully submit that the ODP rejection of the pending claims should be withdrawn and the case be passed to issuance.

In the unlikely event the August 14 terminal disclaimer is somehow held to be improper, Applicants respectfully ask the Examiner to please contact the undersigned, who is signing this paper pursuant to 37 C.F.R. § 1.34, at his direct dial telephone number (952-232-6724) as soon as possible.

Authorization is given to charge Deposit Account No. 50-3581 (GUID.103PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner

is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: /Stephen C. Jensen/

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